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UNITED STATES DISTRICT COURT :
SOUTHERN DISTRICT OF NEW YORK :
-----X :04 MD 1598 (JSR)
IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION :
: :
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PERTAINS TO *Sonja Lambert, et al. v. Rexall Sundown, Inc., et al.*, 07 CV 03789 (JSR)

**UNOPPOSED MOTION OF PLAINTIFFS TO
DISMISS CLAIM OF DAVID LAMBERT WITH PREJUDICE**

COMES NOW Plaintiffs Sonja Lambert and David Lambert and files this Motion to Dismiss Plaintiff David Lambert with Prejudice pursuant to Federal Rule of Civil Procedure Rule 41(a)(2), Virginia Code Annotated § 55-36, and the holding in *Pringle v. Sloan*, 4 Cir. L952272, 44 Va. Cir. 516, 517 (1996). In support of this motion, a memorandum of law is attached. In further support, the Affirmation of David Rosenblum, Plaintiffs' Counsel, is attached to the memorandum as Exhibit A.

By signing below, Defendants RS OLDCO, Inc. (f/k/a Rexall Sundown, Inc.); RL OLDCO, Inc. (f/k/a Richardson Labs, Inc.); and Nutrition USA, Inc. (f/k/a Numico Assumption Company) consent to the relief requested in Plaintiffs' motion. For the court's convenience, an Order of Dismissal with Prejudice, dismissing Plaintiff David Lambert as a party to this action is attached to the memorandum of law as Exhibit B.

Respectfully submitted,

/s/ David Rosenblum

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